



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200500305

Date: November 7, 2007

Comments Due: December 8, 2007

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct The Residences of Murieta Hills project, which would result in impacts to approximately 0.22 acres of waters of the United States, including wetlands. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Jim Galovan
Woodside Rancho Murieta
111 Woodmere Drive, Suite 190
Folsom, California 95630

LOCATION: The project site is located in Rancho Murieta, Sections 27, 28, and 33 of Township 8 North, Range 8 East, MDB&M, Sacramento County, California, and can be seen on the Carbondale, California USGS Topographic Quadrangle. The site is located north of the Cosumnes River in the northwest part of the Rancho Murieta area, bordered to the west by Stonehouse Road. A vicinity map is attached to this notice.

PROJECT DESCRIPTION: The applicant is proposing to construct a 198-unit residential development. Based on the available information, the overall project purpose is to construct a medium-sized residential development in the boundaries of Rancho Murieta. The applicant believes there is a need to provide housing in the Rancho Murieta area. The attached drawings provide additional project details.

The applicant submitted a Nationwide Permit application for The Residences of Murieta Hills in July of 2007. The Corps determined that the Residences would have more than minimal individual and cumulative adverse effects on the environment under the Nationwide Permit Program. As such, the Corps asserted its discretionary authority in accordance with 33 CFR 330.4(e) and determined that the project would be processed through the individual permit process. Approximately 10.9 acres of waters of the United States have been impacted in the Rancho Murieta plan area with 0.71 acres of fill proposed that would occur as a result of building the Riverview, Lakeview, and Residences of Murieta Hills projects.

ADDITIONAL INFORMATION:

Environmental Setting. The site is undeveloped with several unpaved roads that bisect the site. Topography consists of gently sloping to hilly terrain that drains to the south. Primary habitat includes oak woodland and non-native annual grassland. There are approximately 1.25 acres of wetlands and

waters of the United States within the project area. This includes 0.55 acres of channels, 0.02 acres of vernal pools, and 0.67 acres of seasonal wetland/seasonal wetland swales.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

The applicant's preferred project alternative would result in the construction of 198 residential units. Five open space lots would contain approximately 1.02 acres of avoided waters of the United States. Based on the applicant's drawings, impacts to waters of the U.S. would include approximately 0.11 acres of wetland swales, 0.01 acres of vernal pools, 0.05 acres of channel, and 0.05 acres of seasonal wetlands.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to purchase seasonal wetland credits in a 1:1 impact to creation ratio from a Corps-approved wetland mitigation bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled "Determination of Eligibility and Effect for the Proposed Residences of Murieta Hills Project, Rancho Murieta, Sacramento County, California", prepared by Peak and Associates, Inc., dated February 2, 2005), there are not cultural resources eligible for the National Register of Historic Places within the project's area of potential effect. The Corps initiated consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act, on August 29, 2005. No response from the SHPO was received. The Corps assumes that the SHPO concurred with the no effect determination.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps consulted with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act and received a concurrence letter on October 27, 2005 that the project is not likely to adversely affect vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardi*). The Corps verified the presence of three additional vernal pools that were not on the original delineation map sent to the Service. Wet and dry season surveys were conducted to confirm presence or absence of the tadpole and fairy shrimp in these pools. The surveys did not indicate that the presence of adults or eggs of these species within the pools. The Corps will re-initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200500305 must be submitted to the office listed below on or before December 8, 2007

Andrea Jones, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814 2922
Email: andrea.j.jones@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Andrea Jones, 916-557-7745, andrea.j.jones@usace.army.mil.

Attachments: Vicinity map and project drawings